

Message

From: Weaver, Kerryann [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=34F0A647F38A48D684B62F59A9143529-KWEAVER]
Sent: 2/25/2015 2:02:57 PM
To: Smith, Tim J MVP [Tim.J.Smith@usace.army.mil]
Subject: FW: US Steel Minntac (UNCLASSIFIED)

FYI

-----Original Message-----

From: Cameron, Tamara E MVP [mailto:Tamara.E.Cameron@usace.army.mil]
Sent: Thursday, November 06, 2014 8:18 AM
To: Margaret Watkins; nancyschuldt@fdlrez.com
Cc: Pierard, Kevin; Wester, Barbara; Swenson, Peter; Hyde, Tinka; McKim, Krista; Rebecca Flood; Ann Foss; Hingsberger, Thomas J MVP; Wayne Dupuis; Sean Copeland; Rebecca J. St George
Subject: RE: US Steel Minntac (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Dear Ms. Watkins and Ms. Schuldt,

We did issue a modification extending the deadline for completion of the U.S. Steel Sump No. 6 project, (permit 2011-00832-TJH) on October 30, 2014. We received the modification request from U.S. Steel on October 7, 2014 and a review was initiated the week of October 27.

Since we did not initiate our review prior to the conversation that occurred between the USEPA, MPCA, Fond du Lac Band of Lake Superior, and Grand Portage Band of Lake Superior Chippewa, EPA and MPCA were not informed by us of the modification request at that time.

We had modified the permit condition for completion of the sump number 6 project once before, on April 24, 2014. A public notice was issued in January 2014 inviting comment on that request. When we received a second request to extend the time frame for completing the sump 6 installation, this did not trigger the need for a public notice. In accordance with our process, staff coordinated with MPCA to determine if any changes to the 401 certification would be needed, received a response that no change was required, and provided a copy of the modification letter to the agencies that commented on the prior public notice relative to sump 6 (Bois Forte and EPA).

In light of the issues surrounding U.S. Steel, I have asked the staff to establish a process that would provide notification to you regarding requests for authorization that we receive from U.S. Steel.

Regards,
Tamara.

-----Original Message-----

From: Margaret Watkins [mailto:mwatkins@grandportage.com]
Sent: Friday, October 31, 2014 1:17 PM
To: Kevin Pierard; Krista McKim; Barbara Wester; Peter Swenson; Tinka Hyde; Ann Foss; Rebecca Flood; Cameron, Tamara E MVP; Hingsberger, Thomas J MVP; Wayne Dupuis; Sean Copeland; Rebecca J. St George; Nancy Schuldt
Subject: [EXTERNAL] US Steel Minntac

Good afternoon All:

Last week, on October 23, 2014, at 1:00 pm, a conference call between US EPA, MPCA, Fond du Lac and Grand Portage was convened to broadly discuss US Steel Minntac permitting issues. Although EPA and MPCA staff were likely aware of the US ACE's intent to issue a permit modification according to the attached communication, it was not mentioned during this call. Just this morning, Oct 31, 2014, Fond du Lac and Grand Portage staff were notified by Bois Forte of this communication. All of the permitting agencies should understand that Fond du Lac and Grand Portage have a reasonable expectation to be kept informed as to any relevant water quality permitting activities for this facility, given our long history of valid concerns about regulatory oversight and enforcement clearly expressed to all of your agencies. We find it appalling that we were not notified, and can only infer an effort to conceal actions that allow this facility to continue to operate outside of the applicable State and Federal environmental laws.

The letter from the US ACE states that: "No crude ore has been mined from the western progression area, and that only surface stripping and removal of waste rock has occurred. The mine plan for the next three months (through February 15, 2015) indicates that a maximum of 956,000 tons of crude ore may be removed for processing into taconite pellets...that amount would result in...57,360 pounds (25.6 long tons) of sulfate...deposited in the tailings basin...3% of the projected annual loading of sulfate when the permit was issued in 2012. And, that if the No. 6 sump dewatering alternative is operational by January

15, this will be offset by the projected reduction in loading and there will be a decrease in sulfate loading as the western progression continues."

This is another prime example of our justifiable frustration with how this facility is regulated: the US ACE, MPCA and US EPA knowingly continue to issue and modify permits that allow US Steel to expand their operations, even though the company is apparently unable to comply with the negligible limits contained in their long-outdated permits. Thus, US Steel Minntac can continue to use their 'permits' as a shield for any legal actions that could bring them into compliance with the Clean Water Act.

Please provide a written response as to why neither Fond du Lac nor Grand Portage was notified of this regulatory action, and how a 401 certification and a 404 permit can be justified when the company is not complying with the stipulation set forth.

Sincerely,

Margaret Watkins
Grand Portage Water Quality Specialist

Nancy Schuldt
Fond du Lac Water Projects Coordinator

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Caveats: NONE